

Improvement Res. No. 965-1957

For the Vacating of the twenty-five foot easement north of and adjacent to Lot No. 7, Perry's Suburban Addition from the east property line of Robert Street to a point 267.6 feet east thereof.

Resolution Adopted:

Oct. 17, 1957

Confirmed:

ALL ACTION RESCINDED 12/12/57

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

For the Vacation—Opening—Condemnation of right of way for utility purposes of the twenty-five (25) foot easement north of and adjacent to Lot No. 7, Perry's Suburban Addition from the east property line of Robert Street to a point 267.6 feet east thereof.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the twenty-five (25) foot easement north of and adjacent to Lot No. 7, Perry's Suburban Addition from the east property line of Robert Street to a point 267.6 feet east thereof.

All as shown by a plan of such proposed Vacation—Opening—Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation—Opening—Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation—Opening—Condemnation of right of way for utility purposes is described as follows: Lot No. 7, Perry's Suburban Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

—All lots and lands—

ALL ACTION RESCINDED

DEC 12 1957

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the southeast quarter of Section Thirty, Township 31 north, Range 13 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 17th DAY OF October 1957.

Attest:

Secretary Board of Public Works.

Board of Public Works.

HOBSON

ROAD

40

(TO BE VACATED)

267.6

7
PERRY'S

25

50

STREET

ADD.

5

4

SUBURBAN

75

ROBERT

50

75

75

75

OFFICE OF
BOARD OF PUBLIC WORKS

Board No.

840432



FORT WAYNE 2, INDIANA

Board Meeting Aug. 28, 1957

Date August 29, 1957

To Mr. D. C. Morin, City & Adm. Engineer

Subject Prepare Plans, Resolution & Property Owner List VACATION of HOBSON ROAD

For the vacation of a 25' easement between Hobson Road and Robert Street on the north side of Lot No. 7 of the east half of Lot No. 7, Perry's Suburban Addition.

For: BOARD OF PUBLIC WORKS

By:

J. L. Hallett, Secretary

JLH:o

Signed

Reply:

October 14, 1957

Drawing, resolution and property ownership list completed and attached. The original plat refers to this as an easement so I called it that on the resolution, but it definitely is a right-of-way for street or alley purposes. I thought the Board should know this in view of the fact that it is not an actual easement.

Donald E. Bodeker,
Office Engineer

Signed mkh

attach.

SENDER: REMOVE & KEEP 2ND COPY - RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO BINDER.

Br Mtg 10/17/57
Item 8

Inde

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

Board Meeting Aug. 22, 1957 A.M.

Board Order No.

00041

Date August 23, 1957

To City Plan Director

Subject Prepare Investigation & Report - VACATING of 25' easement between HOBSON ROAD

and Robert Street on the north side of Lot No. 7 of the east half of Lot 7
Perry's Suburban Addition.

For: Board of Public Works

By: *J. L. Hallett*
J. L. Hallett, Secretary

JLH:c
encl. petition

Signed _____

Reply: *8/26/57*

We have no objection to the vacation of the above described 25' easement.
The easement has no particular value as a street since it is only one block
in length.

At the present time there are no houses fronting on this easement and
according to the preliminary plat on file in this office, it is not the intention
of the property owner, adjacent to the north, to front his lots onto this
street.

If this street would remain and some day be improved, the city would have
an additional 300 feet of street to be maintained which would not serve any
definite purpose.

APPROVED
BOARD OF PUBLIC WORKS
John Baum CHAIRMAN
John G. Jones
DATE *8/28/57*

Signed *William Jones*

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

Indefinite

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

al

8

Board No.

80432

Board Meeting Aug. 28, 1957

Date August 29, 1957

To Mr. D. C. Morin, City & Adm. Engineer

Subject Prepare Plans, Resolution & Property Owner List VACATION of HOBSON ROAD

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For: BOARD OF PUBLIC WORKS

By: J. L. Hallett
J. L. Hallett, Secretary

JLH:c

Signed

Reply: DEC. RES. NO. 965- 1957

October 14, 1957

Drawing, resolution and property ownership list completed and attached. The original plat refers to this as an easement so I called it that on the resolution, but it definitely is a right-of-way for street or alley purposes. I thought the Board should know this in view of the fact that it is not an actual easement.

Donald E. Bodeker
Donald E. Bodeker,
Office Engineer

NOTICE TO PROP. OWNERS: OCT. 25 & NOV. 1
HEARING
ON CONFIRMATION: NOV. 14, 1957 Bw Mtg 10/17/57
Item 8

Signed

mkh
attachs.

W. C. Morris

SENDER: REMOVE & KEEP 2ND COPY — RECEIVER: ANSWER KEEP 3RD COPY & RETURN 1ST COPY TO SENDER.

Inde 1ed

P E T I T I O N

— 0 —
Fort Wayne, Ind.,

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real
estate on _____, from

to _____

25 foot

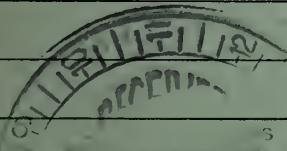
respectfully petition for the passage of a resolution providing for the vacation of ~~an~~ easement
running east and west between the Hobson Road & Robert Street on the
north side of Lot No. 7 of the East Half of Lot 7 Perry's Suburban
Addition.

PETITIONER: ELMER L. BOWEN 3310 Oak Rd. A.67865

(Police Department)

(SIGNED)

Elmer L. Bowen



1921857

Petition for Passage

of a Resolution for

from _____

to _____

Filed with the Board of Public Works

Parking spaced North of the
easement if a street would
go in - it would only run
the length of lot #1. 8/1/59

Lots all face Shawan Rd. or
Roberts Street.

Planning Comm. wouldn't ok.
a street at this point because
of the Plat layout. There
would be no reason for a
street.

To - B9 Shawan

Elmer Brown
Police Station

PAY ROLL REGISTER
CITY OF FORT WAYNE

U C T I O N S					NET PAY	CHECK NUMBER	DATE
RET. FUND	F. PENSION	INS.	UNITED FUND	CR. UNION MISC			

JOHN H. LOGAN
LAWYER
LINCOLN TOWER
FORT WAYNE 2, INDIANA

TELEPHONE
EASTBROOK 4546

December 12, 1957

Board of Public Works
City Hall
Fort Wayne, Indiana

Re: Improvement Resolution No. 965-1957

Gentlemen:

This letter is on behalf of my clients, Mr. and Mrs. Robert M. Perry, for whom I filed a Remonstrance against the passage of the above proposed resolution.

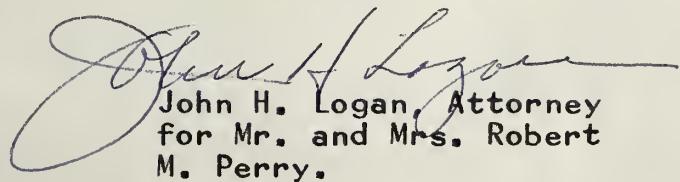
At its meeting on November 14, 1957, the Board of Public Works continued the matter of hearing on confirmation of above resolution until December 12, 1957. Said continuance was made in order to give the City of Fort Wayne and other parties involved, a chance to investigate the matter of said Improvement Resolution.

This resolution proposes to vacate an easement located on a strip of ground north of and adjacent to Lot 7 in Perry's Suburban Addition.

I have checked the law and conferred with the Associate City Attorney, Mr. William B. Merrill who concurs in the fact that the Board of Works has no jurisdiction to vacate an easement. The proper procedure is for the landowners, who happen to be my clients, Mr. and Mrs. Robert M. Perry, to bring an action in the courts for vacation of same.

In view of the above, we respectfully request that the Board of Public Works rescind all action on the above and foregoing Improvement Resolution.

Respectfully submitted,


John H. Logan, Attorney
for Mr. and Mrs. Robert
M. Perry.

JHL/jk

cc: Mr. William Merrill

cc: Mr. and Mrs. Robert M. Perry

DECLARATORY RESOLUTION NO. 965-1957

For the VACATING of the twenty-five (25) foot easement north of and adjacent to Lot No. 7, Perry's Suburban Addition from the east property line of Robert Street to a point 267.6 feet east thereof.

PLANS ORDERED:

ADOPTED: Oct. 17, 1957

ADVERTISED: Oct. 25 and Nov. 1, 1957

HEARING ON CONFIRMATION: Thurs. Nov. 14, 1957, 6:30 P.M.
T.U.A. to Dec. 12, 1957

CONFIRMED: ALL ACTION RESCINDED

ASSESSMENT ROLL ORDERED: DEC 12 1957

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION
OF ASSESSMENT:

NOTICES SERVED:

ASSESSMENT ROLL CONFIRMED:

Improvement Resolution No. 965-1957 For Improving THE VACATION OF THE TWENTY-FIVE (25) FOOT EASEMENT
NORTH OF AND ADJACENT TO LOT NO. 7, PERRY'S SUBURBAN ADDITION FROM THE EAST PROPERTY LINE OF
ROBERT STREET TO A POINT 267.6 FEET EAST THEREOF.

144-381-008

5. *On Chinese*

1. 2. 97. 1. 1937

TOTAL

W

ROAD

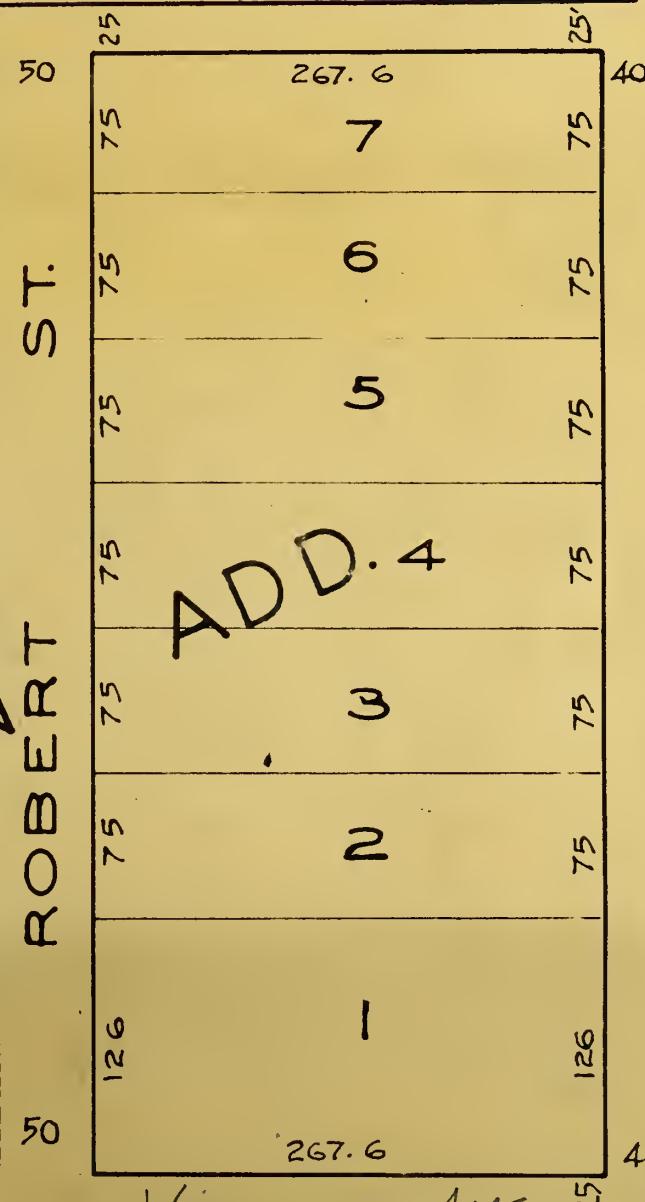
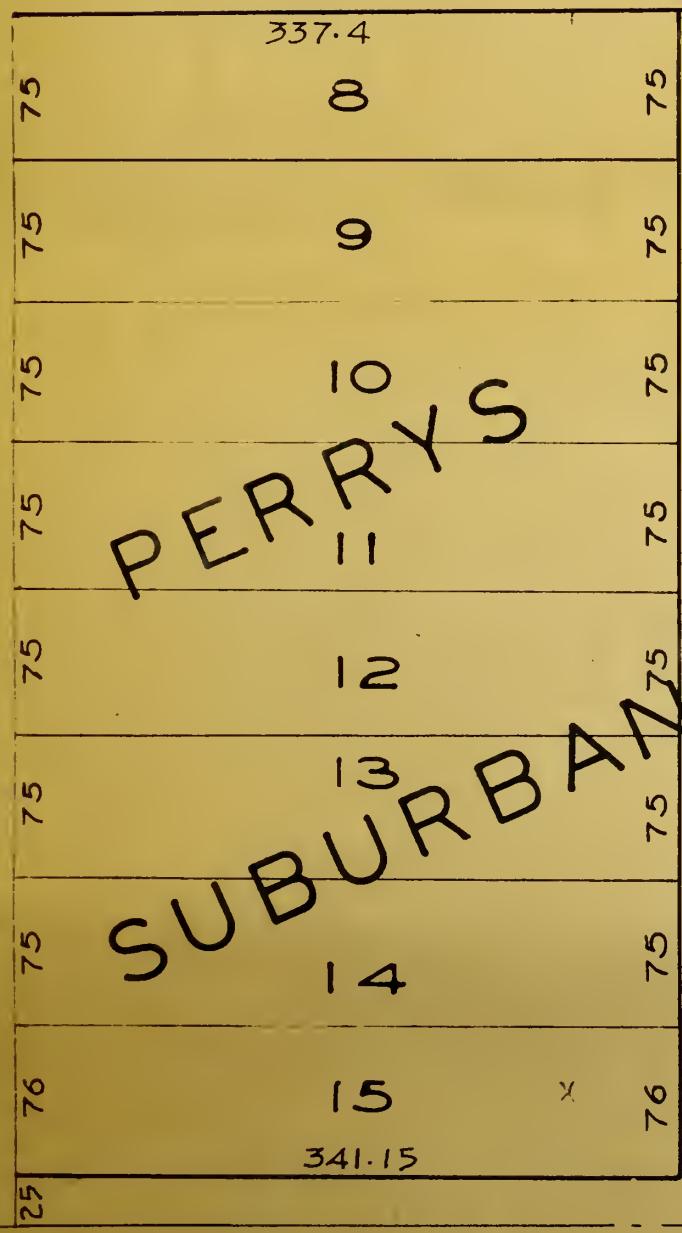
HOBSON

40

40

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S.E. $\frac{1}{4}$ SEC. 30 - 31-13



HODSON

Road



Res. No. 965 - Decedatory
Mun. Rec. 11-14-57
38 - 84 - 4

REMONSTRANCE

TO: THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA

The undersigned owners of real estate in Perry's Suburban Addition respectfully remonstrate against the passage of a proposed vacation herein sought by Improvement Resolution No. 965-1957, and do hereby respectfully remonstrate against any confirmation of said resolution.

In support of said remonstrance, remonstrators Robert M. Perry and Ruby E. Perry, husband and wife, state that heretofore on December 12, 1949 they caused to be platted and recorded the Plat of Perry's Suburban Addition to the City of Fort Wayne, Indiana; that in said plat they dedicated a 50 foot right of way for Robert Street, which is a North and South street parallel with Hobson Road; that at the request of the Plan Commission of the City of Fort Wayne, they were asked to include in the plat a possible easement for possible street purposes in the future from Robert Street to Hobson Road. The reason given to these remonstrators was that the City of Fort Wayne did not want Robert Street to be a dead end street without some outlet in the future; that these remonstrators did not intend to dedicate said twenty-five (25) feet absolutely for street purposes but were merely cooperating with Planning officials of the City of Fort Wayne in order to assist in the proper and regular development of the City in an orderly fashion, and therefore, the easement sought to be vacated herein is set forth as an easement for that reason;

That remonstrators Jerome J. O'Dowd as agent for owners of the real estate adjacent and immediately North of the easement sought to be vacated, have heretofore filed a preliminary plat with the City Plan Commission of the City of Fort Wayne, Indiana in which preliminary plat there was a proposed dedication of twenty-five (25) feet adjacent to said easement heretofore referred to, for the purpose of laying out a public street; that the owners of said real estate had no notice of the proposed action attempting to vacate said twenty-five (25) foot easement North of and adjacent to Lot 7, Perry's Suburban Addition, from the East property line of Robert Street to a point 267.6 feet East thereof, and Jerome J.

O'Dowd, as agent for said owners and for himself as an owner of an interest in said real estate, does remonstrate against the proposed vacation herein since it interferes with the orderly development plan of the City of Fort Wayne providing for access to Hobson Road of the property owners fronting on Robert Street.

That the record title holder of all of Lot 7, namely, Norbert G. Welsh and Helen M. Welsh, jointly, will privately benefit if it could be construed that said easement was a dedication of a street, which of course, was never intended directly as such until future plans were made therefor, and that because of the confused nature of the situation here involved regarding this easement, that this remonstrance should therefore be granted and that said Improvement Resolution should not be confirmed by the Board of Public Works of the City of Fort Wayne, Indiana.

Robert M. Perry
Robert M. Perry,

Ruby E. Perry
Ruby E. Perry,

Husband and wife, owners of Lots 3,4, and 5, and 11,12,13,14 and 15 in Perry's Suburban Addition.

Jerome J. O'Dowd

Jerome J. O'Dowd, as agent for
Richard J. O'Dowd, May O. Centlivere
Kathleen C. O'Dowd, owners of interest in
real estate located and fronting on Hobson
Road in the Southeast Quarter of Section 30,
Township 31 North, Range 13 East, and being
contiguous to and adjacent to the 25 foot
easement North of and adjacent to Lot No. 7,
Perry's Suburban Addition from the East line
of Robert Street to a point 267.6 feet East
thereof.

Jerome J. O'Dowd
Jerome J. O'Dowd, owner of an interest in
the last above described real estate.

965